

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

CHRISTIAN ALBERTO SANTOS GARCIA,
et al.,

Plaintiffs,

v.

DAVID PEKOSKE, *et al.*,

Defendants.

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No. 1:20-cv-821-LMB-JFA

ANSWER

Pursuant to Federal Rule of Civil Procedure 8, Defendants David Pekoske, U.S. Immigration and Customs Enforcement, Tae D. Johnson, and Shawn Byers (collectively “Federal Defendants”),¹ through undersigned counsel, respectfully answer Plaintiffs’ Amended Complaint, ECF No. 123, as follows:

FIRST DEFENSE

Federal Defendants did not violate Plaintiffs’ substantive due process rights.

SECOND DEFENSE

Plaintiffs do not have a justiciable claim under the Administrative Procedure Act (“APA”) against Federal Defendants.

¹ The current Federal Defendants listed above have been substituted in this action for the individuals named in their official capacity originally in the Amended Complaint. David Pekoske has been substituted as the Acting Secretary of DHS in place of prior named defendant Chad F. Wolf. Tae D. Johnson has been substituted as the Deputy Director and Senior Official Performing the Duties of the Director of ICE in place of prior named defendant Tony Pham. Shawn Byers has been substituted as the Acting Field Office Director (“AFOD”) for the Washington Field Office in place of prior named defendant Russell Hott.

THIRD DEFENSE

Plaintiffs do not have a cognizable claim under the doctrine set out in *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954) (the “*Accardi* doctrine”) against Federal Defendants.

FOURTH DEFENSE

Plaintiffs have not demonstrated a right to declaratory relief against Federal Defendants.

FIFTH DEFENSE

Plaintiffs have not demonstrated a right to injunctive relief against Federal Defendants under the four-factor test set out in *Winter v. Natural Resources Defense Council*, 555 U.S. 7 (2008).

SIXTH DEFENSE

Federal Defendant reserve the right to raise any affirmative defense—including, but not limited to, those expressly found in Federal Rule of Civil Procedure 8(c)—that may be supported by the record subsequent to the close of discovery in the instant action.

SEVENTH DEFENSE

Federal Defendants answer the allegations within the Amended Complaint’s numbered paragraphs as follows.

INTRODUCTION

1. Federal Defendants admit that approximately 88 percent of the detainees at Farmville Detention Center (“FDC”) as of the visit by the Centers for Disease Control (“CDC”) on August 9, 2020 tested positive for COVID-19. The remaining allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

2. Federal Defendants admit that on June 2, 2020, Enforcement and Removal Operations (“ERO”) transferred 74 detainees via ICE Air from the Eloy and two Florence detention centers in Arizona and the Krome Service Processing Center and Broward Transitional Center in Florida to FDC and the detainees were screened but not tested for COVID-19. The remaining allegations within the first sentence of this paragraph constitute argument, to which no response is required. The allegations within the second sentence of this paragraph are directed at parties other than Federal Defendants and constitute argument, to which no response is required. Federal Defendants admit that fifty-one of the individuals who were transferred subsequently tested positive for COVID-19. Federal Defendants deny that the primary reason for the transfer was to facilitate the rapid deployment of DHS tactical teams to suppress peaceful protests and admit that the purpose of the transfer was to address the ongoing need to reduce detention populations in Arizona and south Florida and the need to move ICE personnel to the Washington D.C. area in support of federal law enforcement needs. Federal Defendants deny that rules bar ICE employees from traveling on charter flights unless detainees are also aboard as ICE’s contract with charter companies permits ICE personnel to occupy empty seats on flights at no additional cost if the flight are used for detainee transfers. The remaining allegations within this paragraph constitute argument, to which no response is required.

3. Federal Defendants admit that at least 339 detainees or approximately 88 percent of the overall detainee population tested positive for COVID-19. Federal Defendants admit that Plaintiffs Santos Garcia, Perez Garcia, Castillo Gutierrez, Mbalivoto, Souza Bauer, Miranda Sanchez, Velasquez Orellana, Olaniyi, Houslin, Garcia Garcia, Rivera Rodriguez, Linares Hernandez and Bazerashvili all tested positive for COVID-19. Federal Defendants admit that Plaintiff Bolanos Hernandez tested negative for COVID-19 but are without sufficient information and knowledge as

to Plaintiff Bolanos' Hernandez's circumstances and feelings. The remaining allegations within this paragraph constitute argument and constitute conclusions of law, to which no response is required.

4. Federal Defendants deny that up to 80 individuals were to put into poorly ventilated dorm rooms in FDC. Federal Defendants deny that they did not take and have not taken appropriate precautions to protect individuals inside FDC. Federal Defendants deny that Plaintiffs were not provided with personal protective equipment ("PPE") like masks and hand sanitizers. Federal Defendants deny that they waited several days to test COVID-19 positive individuals at FDC for COVID-19 and waited several days to inform them that they had tested positive. The remaining allegations within this paragraph constitute argument and constitute conclusions of law, to which no response is required.

5. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument, to which no response is required. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

6. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument, to which no response is required. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

7. The allegations within this paragraph constitute argument and constitute conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

8. The allegations within this paragraph constitute argument and constitute conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

9. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute conclusions of law and argument, to which no response is required. To the extent

that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

10. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument, to which no response is required. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

11. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

12. The allegations within this paragraph constitute a characterization of the instant action and argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

PARTIES

13. Federal Defendants admit the allegations contained within this paragraph.

14. Federal Defendants admit the allegations contained within the first and second sentences of this paragraph. Federal Defendants deny that Plaintiff Santos Salvador Bolanos Hernandez is being held in the custody of Defendant ICE at FDC as he was granted bond by an Immigration Judge (“IJ”) on December 28, 2020, paid the bond, and was released from FDC on December 29, 2020.

15. Federal Defendants admit the allegations contained within this paragraph.

16. Federal Defendants admit the allegations contained within the first and second sentences of this paragraph. Federal Defendants admit that Plaintiff Castillo Gutierrez was released from ICE custody on August 25, 2020 but deny the remaining allegations contained within the third sentence of this paragraph.

17. Federal Defendants admit the allegations contained within the first sentence of this paragraph. Federal Defendants admit that Plaintiff Didier Mbalivoto was held in the custody of ICE

at FDC from October 9, 2018 to August 20, 2020. Federal Defendants further admit that an IJ granted Plaintiff Mbalivoto asylum on June 16, 2020. Federal Defendants admit the allegations contained within the fourth, fifth, sixth, and seventh sentences of this paragraph.

18. Federal Defendants admit the allegations contained within this paragraph.

19. Federal Defendants admit the allegations contained within this paragraph.

20. Federal Defendants admit the allegations contained within this paragraph.

21. Federal Defendants admit the allegations contained within the first, second, and third sentences of this paragraph. Federal Defendants deny the allegations contained within the fourth sentence of this paragraph.

22. Federal Defendants admit the allegations contained within the first and second sentences of this paragraph. Federal Defendants deny the allegations contained within the third and fourth sentences of this paragraph.

23. Federal Defendants admit the allegations contained within the first and second sentences of this paragraph. Federal Defendants deny that Plaintiff Jerbin Ivan Garcia Garcia is being held in the custody of Defendant ICE at FDC as he was released by ICE from FDC on January 6, 2021.

24. Federal Defendants admit the allegations contained within the first sentence of this paragraph. Federal Defendants deny that Plaintiff Jorge Alexander Rivera Rodriguez is being held in the custody of Defendant ICE at FDC as he was released from FDC on an order of supervision on December 1, 2020.

25. Federal Defendants admit the allegations contained within the first sentence of this paragraph. Federal Defendants deny that Plaintiff Jose Linares Hernandez is being held in the custody of Defendant ICE at FDC as he was removed to Guatemala upon a final order of removal on October 23, 2020. Federal Defendants admit the allegations contained within the third sentence

of this paragraph. Federal Defendants deny the allegations contained within the fourth sentence of this paragraph.

26. Federal Defendants admit the allegations contained within the first sentence of this paragraph. Federal Defendants admit that Plaintiff Vano Bazerashvili appealed the IJ's decision denying his request for cancellation of removal and that appeal before the BIA was dismissed on November 12, 2020. Federal Defendants deny that Plaintiff Vano Bazerashvili is being held in the custody of Defendant ICE at FDC as he was released from FDC on November 16, 2020.

27. The allegations contained within this paragraph constitute either a characterization of the instant action or conclusions of law, to which no response is required.

28. Federal Defendants admit the allegations contained within the second and third sentences this paragraph. The remaining allegations contained within this paragraph constitute conclusions of law, to which no response is required.

29. The allegations contained within this paragraph constitute either a characterization of the instant action or conclusions of law, to which no response is required.

30. The allegations contained within this paragraph constitute either a characterization of the instant action or conclusions of law, to which no response is required.

31. The allegations within this paragraph are directed at parties other than Federal Defendants, to which no response is required. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

32. Federal Defendants admit the allegation in the footnote contained within this paragraph only to the extent that Defendant ICE entered into an Intergovernmental Service Agreement ("IGSA") with the Town of Farmville and the contents of that document speak for itself. The remaining allegations within this paragraph are directed at parties other than Federal Defendants, to which no

response is required. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

33. The allegations within this paragraph are directed at parties other than Federal Defendants, to which no response is required. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

34. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied,

JURISDICTION AND VENUE

35. The allegations within this paragraph constitute conclusions of law, to which no response is required.

36. The allegations within this paragraph constitute conclusions of law, to which no response is required.

37. The allegations within this paragraph constitute conclusions of law, to which no response is required.

38. Federal Defendants admit that the Acting Field Office Director for the Washington Field Office oversees the Washington Field Office of ICE ERO, which manages the contract for detentions at FDC. The remaining allegations within this paragraph constitute conclusions of law, to which no response is required.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

39. The allegations within this paragraph constitute argument and constitute conclusions of law, to which no response is required.

40. The allegations within this paragraph constitute argument and constitute conclusions of law, to which no response is required.

41. The allegations within this paragraph constitute argument and constitute conclusions of law, to which no response is required.

42. The allegations within this paragraph constitute argument and constitute conclusions of law, to which no response is required.

STATEMENT OF FACTS

I. COVID POSES A GRAVE RISK OF HARM TO PLAINTIFFS²

43. Plaintiffs' allegations within this paragraph are based on source materials cited in the footnotes therein, which speak for themselves.

44. Federal Defendants admit that SARS-CoV-2 causes the COVID-19 illness. The allegation that SARS-CoV-2 is easily transmitted constitutes argument, to which no response is required. Federal Defendants admit the allegations contained within the second sentence of this paragraph. The allegations within the third sentence of this paragraph constitute argument, to which no response is required. Federal Defendants admit the allegations contained within the fourth sentence of this paragraph. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within the fifth sentence of this paragraph.

45. Plaintiffs' allegations within the first sentence of this paragraph are based on source material cited in the footnote therein, which speaks for itself. Federal Defendants admit the allegations within the second sentence of this paragraph. The allegations within the third sentence of this paragraph constitute argument, to which no response is required.

² This answer reproduces the subject headings contained in the Amended Complaint only for ease of reference, and thus this reproduction should not be considered an admission of any putative factual statement contained within those subject headings.

46. Federal Defendants deny that there is no known vaccine against COVID-19 as a number of vaccines have been approved for use and administered by the federal Food & Drug Administration subsequent to the filing of Plaintiffs' Amended Complaint. The allegations within the second sentence of this paragraph constitute argument, to which no response is required.

47. Federal Defendants admit the allegations contained within the first and second sentences of this paragraph. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within the third and fourth sentence of this paragraph.

48. Federal Defendants admit the allegations contained within the first sentence of this paragraph. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within the second sentence of this paragraph.

49. Plaintiffs' allegations within this paragraph are based on source material cited in the footnote therein, which speaks for itself.

50. Plaintiffs' allegations within this paragraph are based on source materials cited in the footnotes therein, which speak for themselves.

51. Plaintiffs' allegations within this paragraph are based on source materials cited in the footnotes therein, which speak for themselves.

II. DEFENDANTS HAVE FAILED TO TAKE SUFFICIENT PRECAUTIONS TO PREVENT THE SPREAD OF COVID-19 AT FARMVILLE DETENTION CENTER

52. Federal Defendants admit the allegations contained within this paragraph.

53. Plaintiffs' allegations within this paragraph are based on the identified guidance issued by the CDC and members of the national Coronavirus Task Force on March 16, 2020, which speaks for itself.

54. Plaintiffs' allegations within this paragraph are based on source material cited in the footnote therein, which speaks for itself.

55. Plaintiffs' allegations within this paragraph are based on source material cited in the footnote therein, which speaks for itself.

56. Plaintiffs' allegations within this paragraph are based on the CDC Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities, which speaks for itself.

57. Plaintiffs' allegations within this paragraph are based on the CDC Guidance for Correctional & Detention Facilities and other source materials cited in the footnotes therein, which speak for themselves.

58. Plaintiffs' allegations within this paragraph are based on the CDC Guidance for Correctional & Detention Facilities, which speaks for itself.

59. Federal Defendants admit that ICE has published the Performance-Based National Detention Standards ("PBNDS") which set forth standards for detention centers that include a range of compliance, from minimal to optimal. Plaintiffs' remaining allegations within this paragraph are based on the PBNDS, which speaks for itself.

60. Plaintiffs' allegations within this paragraph are based on source materials cited in the footnotes therein, which speak for themselves. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

61. The allegations within the first sentence of this paragraph constitute argument, to which no response is required. Plaintiffs' allegations within the second sentence of this paragraph are based on source material cited in the footnote therein, which speaks for itself.

62. Plaintiffs' allegations within the first sentence of this paragraph are based on source material cited in the footnote therein, which speaks for itself. Federal Defendants admit the allegations contained within the second sentence of this paragraph.

63. Federal Defendants deny the allegations contained within this paragraph.

64. Plaintiffs' allegations within this paragraph are based on source material cited in the footnote therein, which speaks for itself. The remaining allegations within this paragraph constitute argument, to which no response is required.

65. Federal Defendants deny the allegations contained within this paragraph.

66. Federal Defendants deny the allegations contained within the first sentence of this paragraph. Plaintiffs' allegations within the second sentence of this paragraph are based on declarations filed by FDC Director, Jeffrey Crawford, and FDC Medical Director, Teresa Moore, which speak for themselves. The allegations within the third sentence of this paragraph constitute argument, to which no response is required.

67. Federal Defendants admit that in April 2020 they proposed to institute a measure whereby transferees to FDC would be quarantined in individual cells in the Caroline Detention Facility ("CDF") in Bowling Green, Virginia before ultimately being transferred to FDC and that FDC's Medical Director and Armor agreed to this measure. Federal Defendants deny the remaining allegations within this paragraph.

68. Federal Defendants admit the allegations contained within the first, second, and fourth sentences of this paragraph. Federal Defendants admit that detainees in ICE's Arizona detention facilities tested positive for COVID-19 but deny the allegations contained within the source material cited in the footnote therein. Federal Defendants admit that ICA Defendants had less than 24 hours' notice of the transfer but deny the remaining allegations within the fifth sentence of this paragraph.

69. The allegations within this paragraph are directed at parties other than Federal Defendants, to which no response is required.

70. Plaintiffs' allegations within this paragraph are based on source material cited in the footnote therein, which speaks for itself. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of those allegations, other than to deny that ICE officials in the Washington Field Office objected to the transfer.

71. Plaintiffs' allegations within this paragraph are based on source material cited in the footnotes therein, which speaks for itself. To the extent that these represent independent factual allegations, Federal Defendants deny that the primary reason for the June 2 transfers was to skirt rules that bar ICE employees from traveling on charter flights unless detainees are also aboard as the purpose of the transfer was to address the ongoing need to reduce detention populations in Arizona and south Florida and the need to move ICE personnel to the Washington D.C. area in support of federal law enforcement needs. Federal Defendants further deny that rules bar ICE employees from traveling on charter flights unless detainees are also aboard as ICE's contract with charter companies permits ICE personnel to occupy empty seats on flights at no additional cost if the flight are used for detainee transfers. Federal Defendants admit that there were no other ICE Air transfer flights in 2020 although in prior years ICE transferred detainees from border facilities to FDC. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of any remaining allegations.

72. The allegations within the first and sixth sentences of this paragraph constitute argument, to which no response is required. Plaintiffs' remaining allegations within this paragraph are based on source materials cited in the footnote therein, which speak for themselves. To the extent that these represent independent factual allegations, Federal Defendants admit the allegations contained within the third, fourth, fifth, and seventh sentences of this paragraph and the allegations contained within the second sentence of this paragraph constitute argument, to which no response is required.

73. Plaintiffs' allegations within the first, second, and third sentences of this paragraph and the first clause of the fourth sentence of this paragraph are based on a declaration filed by FDC Director Jeffrey Crawford, which speaks for itself. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegation in the fourth sentence within this paragraph that transferred detainees necessarily interacted with FDC personnel who worked with other detainees at FDC.

74. Plaintiffs' allegations within this paragraph are based on source materials cited in the footnotes therein, which speak for themselves. To the extent that these represent independent factual allegations, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

75. The allegations within the first and third sentences of this paragraph constitute argument, to which no response is required. To the extent that these represent independent factual allegations, Federal Defendants deny the allegations contained within the first and third sentences of this paragraph. Plaintiffs' allegations within the second sentence are based on the CDC Inspection Report of FDC, which speaks for itself. Plaintiffs' allegations within the fourth sentence of this paragraph are based on a declaration filed by FDC Medical Director, Teresa Moore, which speaks for itself.

76. The allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied. To the extent that these represent independent factual allegations, Federal Defendants deny the allegations contained within this paragraph.

77. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument, to which no response is required. To the extent that a response is

required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

78. Plaintiffs' allegations within this paragraph are based on source materials cited in the footnote therein, which speak for themselves. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

79. Plaintiffs' allegations within this paragraph are based on source materials cited in the footnote therein, which speak for themselves.

80. The allegations within the first sentence of this paragraph constitute argument, to which no response is required. Plaintiffs' remaining allegations within this paragraph are based on source materials cited in the footnotes therein, which speak for themselves.

81. The allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

82. Federal Defendants deny that they had any role in limiting the availability of telephone calls or in-person contact visitation between attorneys and detainees. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

83. The allegations within this paragraph constitute argument, to which no response is required.

84. Federal Defendants deny that they had any role in limiting the availability of telephone calls. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

85. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph

86. The allegations within this paragraph constitute argument, to which no response is required.

III. DEFENDANTS HAVE ACTIVELY ENDANGERED PLAINTIFFS' HEALTH AND DENIED PLAINTIFFS ADEQUATE MEDICAL CARE

A. Plaintiffs Were Exposed To And Contracted COVID-19 While In Defendants' Care

87. The allegations within this paragraph constitute argument, to which no response is required.

To the extent that a response is required, this paragraph is denied.

88. The allegations within this paragraph constitute argument or conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

89. The allegations within this paragraph constitute argument, to which no response is required.

To the extent that a response is required, this paragraph is denied.

90. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument, to which no response is required. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations directed at parties other than Federal Defendants within this paragraph. To the extent that these allegations could be deemed directed to the Federal Defendants, Federal Defendants deny these allegations.

91. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument, to which no response is required. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations directed at parties other than Federal Defendants within this paragraph. To the extent that these allegations could be deemed directed to the Federal Defendants, Federal Defendants deny these allegations.

92. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required. To the extent

that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

1. Plaintiff Christian Alberto Santos Garcia

93. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

94. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

95. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

96. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

97. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

98. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

99. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

100. Federal Defendants admit that on June 23, 2020, an ICE official came to FDC and spoke with detainees. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations contained within the first sentence of this paragraph. Federal Defendants deny the allegations contained within the second sentence of this paragraph.

101. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

102. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph, including that which are contained in the footnote contained therein.

103. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

104. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

105. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph. To the extent that the reference to “Defendants” in this paragraph is intended to extend to Federal Defendants, Federal Defendants deny the allegations contained within this paragraph.

106. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

107. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

108. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

2.Plaintiff Santos Salvador Bolanos Hernandez

109. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

110. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

111. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

112. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

113. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

114. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

115. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

116. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

117. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

118. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

119. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

120. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

121. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

3.Plaintiff Gerson Amilcar Perez Garcia

122. The allegations within this paragraph constitute argument and conclusion of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

123. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

124. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

125. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

126. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

127. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

128. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

129. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

130. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

131. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

132. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

133. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

134. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

135. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

136. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

137. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

138. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

139. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

140. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

141. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

142. Federal Defendants admit the allegations contained within this paragraph.

143. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

4.Plaintiff Ismael Castillo Gutierrez

144. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

145. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

146. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

147. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

148. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

149. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

150. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

151. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

152. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

153. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

154. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

155. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

156. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

157. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

158. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

159. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

160. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

161. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

162. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

163. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

164. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

165. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

166. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

167. Federal Defendants admit the allegations contained within this paragraph.

5.Plaintiff Didier Mbalivoto

168. The allegations within the first sentence of this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, the allegations within the first sentence of this paragraph are denied. The remaining allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that these allegations are deemed directed at the Federal Defendants, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations within this paragraph.

169. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

170. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

171. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

172. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

173. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

174. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

175. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

176. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

177. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

178. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

179. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

180. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants admit the allegations contained within the first sentence of this paragraph. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations within this paragraph.

181. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

6.Plaintiff Frank Odin Souza Bauer

182. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

183. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

184. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

185. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

186. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

187. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

188. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

189. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants admit that on April 28, 2020, Plaintiff Souza Bauer reported to personnel at FDC that he had been prescribed a Continuous Positive Airway Pressure (“CPAP”) machine for sleep apnea prior to being detained by ICE and that Souza Bauer was not provided with a CPAP machine because there was an insufficient medical history of him suffering from sleep apnea, which led him to be referred for a pulmonary evaluation in October 2020 to determine whether he suffered from sleep apnea.

190. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

191. Plaintiffs’ allegations within this paragraph are based on source material cited therein, which speaks for itself.

192. Federal Defendants admit the allegation contained within this paragraph.

7. Plaintiff Marco Antonio Miranda Sanchez

193. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

194. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

195. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

196. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

197. The allegations within this paragraph are partly directed at parties other than Federal Defendants. Federal Defendants admit that Plaintiff Miranda Sanchez and his immigration attorney made a request to ICE to have his lungs and respiratory system evaluated and that ICE passed on this request to FDC medical personnel. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations within this paragraph.

198. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

199. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

200. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

201. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

8.Plaintiff Melvin Ivan Velasquez Orellana

202. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

203. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

204. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

205. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

206. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

207. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

208. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

209. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

210. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

9.Plaintiff Olaitan Michael Olaniyi

211. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

212. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

213. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

214. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

215. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

216. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

10. Plaintiff Shawn Houslin

217. The allegations within the first sentence of this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, the allegations within the first sentence of this paragraph are denied. The remaining allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that these allegations are deemed directed at the Federal Defendants, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations within this paragraph.

218. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

219. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

220. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

221. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

222. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

223. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within the first sentence of this paragraph. The allegations within the second sentence of this paragraph constitute argument, to which no response is required.

224. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph. The allegations within the third sentence of this paragraph additionally constitute argument, to which no response is required.

225. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

226. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

227. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

228. The allegations within the first sentence of this paragraph constitute argument, to which no response is required. The remaining allegations within this paragraph are directed at

parties other than Federal Defendants. To the extent that these allegations are deemed directed at the Federal Defendants, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations within this paragraph.

229. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

11. Plaintiff Jerbin Ivan Garcia Garcia

230. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

231. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

232. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

233. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

234. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

235. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

236. Federal Defendants admit that on June 23, 2020, during an ICE official's visit to FDC, detainees conveyed various complaints to him about FDC that he passed on to FDC staff. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations within this paragraph.

237. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

238. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

239. Federal Defendants deny that Plaintiff Garcia Garcia is currently housed in Dorm 7 of FDC as Plaintiff Garcia Garcia was released by ICE from FDC on January 6, 2021. The remaining allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations within this paragraph.

240. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

241. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

242. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

12. Plaintiff Jorge Alexander Rivera Rodriguez

243. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

244. Federal Defendants deny that Plaintiff River Rodriguez is detained at Farmville in Dorm 7 as Plaintiff Rivera Rodriguez was released from FDC on an order of supervision on December 1, 2020. The remaining allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations within this paragraph.

245. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

246. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

247. Plaintiffs' allegations within the first sentence of this paragraph are based on the CDC Inspection Report of FDC, which speaks for itself. The remaining allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations within this paragraph.

248. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

249. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

250. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

251. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

252. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

253. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

254. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

255. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

256. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

257. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

258. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

259. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

260. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

261. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

262. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

263. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

264. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

265. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

266. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

267. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

268. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

269. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

270. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

271. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

13. Plaintiff Jose Linares Hernandez

272. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

273. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

274. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

275. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

276. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

277. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

278. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

279. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

280. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

281. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

282. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

283. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

284. Federal Defendants deny that Plaintiff Linares Hernandez is currently housed in Dorm 4 as Plaintiff Linares Hernandez was removed to Guatemala upon a final order of removal on October 23, 2020. The remaining allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations within this paragraph.

285. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

286. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

287. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

14. Plaintiff Vano Bazerashvili

288. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

289. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

290. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

291. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

292. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

293. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

294. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

295. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

296. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

297. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

298. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

299. The allegations within the first sentence of this paragraph constitute argument, to which no response is required. Plaintiffs' remaining allegations within this paragraph are based on source materials cited in the footnotes therein, which speak for themselves.

B. Plaintiffs Are At Risk of Infection Or Reinfection With COVID-19

300. The allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

301. Plaintiffs' allegations within this paragraph are based on source material cited in the footnote therein, which speaks for itself.

302. Plaintiffs' allegations within this paragraph are based on source materials cited in the footnotes therein, which speak for themselves.

303. Plaintiffs' allegations within this paragraph are based on source materials cited in the footnotes therein, which speak for themselves.

304. Plaintiffs' allegations within this paragraph are based on source materials cited in the footnotes therein, which speak for themselves.

305. Plaintiffs' allegations within this paragraph are based on source materials cited in the footnotes therein, which speak for themselves.

306. Plaintiffs' allegations within this paragraph are based on source materials cited in the footnotes therein, which speak for themselves.

307. Plaintiffs' allegations within this paragraph are based on source material cited in the footnote therein, which speaks for itself.

C. The ICA Defendants Have Denied Plaintiffs Proper Nutrition While They Suffer From COVID-19

308. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument, to which no response is required.

309. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

310. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

311. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

312. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

313. The allegations within the first and second sentences of this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the

allegations within the first and second sentences of this paragraph. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within the third sentence of this paragraph.

314. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

315. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

316. The allegations within the first, second, and third sentences of this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within the first, second, and third sentences of this paragraph. The allegations within the fourth sentence of this paragraph are directed at parties other than Federal Defendants and constitute argument, to which no response is required.

317. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

IV. RECENT INSPECTIONS CONFIRM THE INADEQUATE PROTECTIONS AGAINST THE SPREAD OF COVID-19 AT FARMVILLE

318. The allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

319. Federal Defendants admit the allegations within the first sentence of this paragraph. Plaintiffs' remaining allegations within this paragraph are based on the CDC Inspection Report of FDC, which speaks for itself.

320. Plaintiffs' allegations within this paragraph are based on the CDC Inspection Report of FDC, which speaks for itself.

321. The allegations within this paragraph are directed at parties other than Federal Defendants. To the extent that a response is required, Plaintiffs' allegations within this paragraph are based on a declaration filed by FDC Director Jeffrey Crawford, which speaks for itself.

322. Plaintiffs' allegations within this paragraph are based on the CDC Inspection Report of FDC, which speaks for itself.

323. Federal Defendants admit that Dr. Homer Venters as well as Dr. William A. Reese conducted an inspection of FDC on August 20, 2020 from 10:30 a.m. until 3 p.m. pursuant to an Agreed Inspection Protocol. Federal Defendants deny that the inspection was conducted pursuant to the Court's Order granting in part Plaintiffs' motion for preliminary injunction. Additionally, Federal Defendants object to the inclusion of this information in the instant Amended Complaint (and reserve the right to have it stricken from the docket in this civil action) as it is in violation of the Agreed Inspection Protocol, ECF No. 58, which provided that Defendants agreed to a voluntary inspection of FDC without any finding that Defendants had violated Plaintiffs' constitutional and/or statutory rights and which provided that "[a]ny statements made by anyone in the course of the inspection may only be used for purposes of the expert reports in this inspection and may not be used or admitted in any other respects or litigation." ECF No. 58 ¶ 10. Plaintiffs' remaining allegations within this paragraph are based on Dr. Venters' report, which speaks for itself.

324. Plaintiffs' allegations within this paragraph are based on the Dr. Venters' report, which speaks for itself, and the allegations therein are based on statements made to Dr. Venters in the course of his inspection, which otherwise may not be used in this litigation and therefore in Plaintiffs' Amended Complaint as per the Agreed Inspection Protocol. *See* ECF No. 58 ¶ 10.

325. Plaintiffs' allegations within this paragraph are based on the Dr. Venters' report, which speaks for itself, and the allegations therein are based on statements made to Dr. Venters in the course of his inspection, which otherwise may not be used in this litigation and therefore in Plaintiffs' Amended Complaint as per the Agreed Inspection Protocol. *See* ECF No. 58 ¶ 10.

326. Plaintiffs' allegations within this paragraph are based on the Dr. Venters' report and source material cited in the footnotes therein, which speak for themselves. To the extent that a response is required, Federal Defendants deny the allegations made by Dr. Venters.

V. RECENT INSPECTIONS CONFIRM THE INADEQUATE PROTECTIONS AGAINST THE SPREAD OF COVID-19 AT FARMVILLE

327. The allegations of this paragraph constitute a characterization of this Court's docket, which speaks for itself. To the extent that a response is required, Federal Defendants admit the allegations contained within this paragraph.

328. The allegations of this paragraph constitute a characterization of this Court's docket, which speaks for itself. To the extent that a response is required, Federal Defendants admit the allegations contained within this paragraph.

329. The allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

330. The allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

331. The allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

332. The allegations within the first sentence of this paragraph constitute argument, to which no response is required. Federal Defendants admit the allegations contained within the second sentence of this paragraph.

333. The allegations of this paragraph constitute a characterization of this Court's docket, which speaks for itself.

334. Plaintiffs' allegations within are based on source materials including that cited in the footnote therein, which speak for themselves.

335. Plaintiffs' allegations within this paragraph are based on source material cited in the footnote therein, which speaks for itself.

336. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within the first sentence of this paragraph. The allegations within this paragraph also constitute argument, to which no response is required.

337. The allegations within the first sentence of this paragraph constitute argument, to which no response is required. The allegations within the second sentence of this paragraph are based on the CDC Inspection Report of FDC, which speaks for itself.

338. The allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

VI. DEFENDANTS HAVE FAILED TO FOLLOW THE REQUIREMENTS OF THE PBNDS IN MULTIPLE WAYS

339. The allegations in this paragraph constitute conclusions of law, to which no response is required. To the extent that a response is required, Federal Defendants admit the allegations contained within this paragraph.

340. The allegations in this paragraph constitute conclusions of law, to which no response is required. To the extent that a response is required, Federal Defendants deny that the PBNDS set forth a set of mandatory requirements, instead they set forth standards for detention centers that include a range of compliance, from minimal to optimal.

341. The allegations in this paragraph constitute conclusions of law, to which no response is required. To the extent that a response is required, Federal Defendants admit the allegations contained within this paragraph.

342. The allegations in the first sentence of this paragraph constitute conclusions of law, to which no response is required. To the extent that a response is required, Federal Defendants deny that the PBNDS set forth a set of mandatory requirements with respect to medical care and food service, they set forth standards for detention centers that include a range of compliance, from minimal to optimal. The allegations within the second sentence of this paragraph constitute argument, to which no response is required. To the extent that a response is required, Federal Defendants deny the allegations in the second sentence of this paragraph.

PBNDS: Medical Care Standards

343. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

344. Plaintiffs' allegations within this paragraph are based on the PBNDS medical care standards, which speak for themselves.

345. The allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

346. The allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

347. The allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

348. The allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

349. Plaintiffs' allegations within this paragraph are based on the PBNDS medical care standards, which speak for themselves.

350. Plaintiffs' allegations within this paragraph are based on the PBNDS medical care standards, which speak for themselves.

351. Federal Defendants deny that there is no monitoring of whether sick call requests result in a patient being seen at FDC and lack sufficient information or knowledge as to the remaining allegations in this paragraph. Additionally, Federal Defendants object to the inclusion of this information in the instant Amended Complaint (and reserve the right to have it stricken from the docket in this civil action) as it is in violation of the Agreed Inspection Protocol, ECF No. 58, which provided that Defendants agreed to a voluntary inspection of FDC without any finding that Defendants had violated Plaintiffs' constitutional and/or statutory rights and which provided that "[a]ny statements made by anyone in the course of the inspection may only be used for purposes of the expert reports in this inspection and may not be used or admitted in any other respects or litigation." ECF No. 58 ¶ 10.

352. Federal Defendants deny the allegations contained within this paragraph. Additionally, Federal Defendants object to the inclusion of this information in the instant Amended Complaint (and reserve the right to have it stricken from the docket in this civil action) as it is in violation of the Agreed Inspection Protocol, ECF No. 58, which provided that Defendants agreed to a voluntary inspection of FDC without any finding that Defendants had violated Plaintiffs' constitutional and/or statutory rights and which provided that "[a]ny statements made by anyone in the course of the inspection may only be used for purposes of the expert reports in this inspection and may not be used or admitted in any other respects or litigation." ECF No. 58 ¶ 10.

353. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph. Additionally, Federal Defendants object to the

inclusion of this information in the instant Amended Complaint (and reserve the right to have it stricken from the docket in this civil action) as it is in violation of the Agreed Inspection Protocol, ECF No. 58, which provided that Defendants agreed to a voluntary inspection of FDC without any finding that Defendants had violated Plaintiffs' constitutional and/or statutory rights and which provided that "[a]ny statements made by anyone in the course of the inspection may only be used for purposes of the expert reports in this inspection and may not be used or admitted in any other respects or litigation." ECF No. 58 ¶ 10.

354. Plaintiffs' allegations within this paragraph are based on the PBNDS medical care standards, which speak for themselves.

355. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within the first and second sentences of this paragraph. Federal Defendants deny that COVID-19 screenings have been conducted without an interpreter and that detainees who are limited in their English proficiency are not provided communication assistance.

PBNDS: Food Services Standards

356. The allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

357. Plaintiffs' allegations within this paragraph are based on the PBNDS food service standards, which speak for themselves.

358. Federal Defendants deny the allegations contained within this paragraph.

359. Plaintiffs' allegations within this paragraph are based on the PBNDS food service standards, which speak for themselves.

360. Federal Defendants deny that ICA Defendants have served food to Plaintiffs and other detainees that is undercooked but admit that there were reports of expired milk being served at FDC.

361. Plaintiffs' allegations within this paragraph are based on the PBNDS food service standards, which speak for themselves.

362. Federal Defendants deny the allegations contained within this paragraph.

PBNDS: Following CDC Guidance

363. Plaintiffs' allegations within the first sentence of this paragraph are based on the PBNDS, which speaks for itself. The allegations within the second sentence of this paragraph constitute argument, to which no response is required. To the extent that a response is required, the allegations within the second sentence of this paragraph are denied.

364. Plaintiffs' allegations within this paragraph are based on the CDC Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities, which speaks for itself.

365. Federal Defendants admit that on June 2, 2020 Federal Defendants transferred 74 detainees from detention facilities in Arizona and Florida to FDC. The remaining allegations within the first sentence of this paragraph constitute argument, to which no response is required. Federal Defendants admit that detainees were not tested or quarantined before their arrival and that 51 of them subsequently tested positive for COVID-19 but deny the remaining allegations within the second sentence of this paragraph.

366. The allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

367. The allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

368. The allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

369. The allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

370. The allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

371. Federal Defendants deny the allegations contained within this paragraph.

372. Federal Defendants deny the allegations contained within this paragraph.

373. Plaintiffs' allegations within this paragraph are based on the CDC Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities, which speaks for itself.

374. Federal Defendants deny the allegations contained within this paragraph.

375. Federal Defendants deny the allegations contained within the first sentence of this paragraph. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations within this paragraph.

376. Plaintiffs' allegations within this paragraph are based on the CDC Inspection Report of FDC, which speaks for itself.

377. Federal Defendants deny the allegations contained within this paragraph.

378. Federal Defendants deny the allegations contained within this paragraph.

379. Plaintiffs' allegations within this paragraph regarding CDC recommendations are based on the CDC Inspection Report of FDC, which speaks for itself. The remaining allegations in this paragraph constitute argument, to which no response is required. To the extent that a response is required, those remaining allegations in this paragraph are denied.

380. Plaintiffs' allegations within this paragraph are based on the CDC Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities, which speaks for itself.

381. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

382. Plaintiffs' allegations within this paragraph are based on the CDC Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities, which speaks for itself.

383. Federal Defendants deny the allegations contained within this paragraph.

384. Federal Defendants admit the allegations contained within this paragraph.

385. Federal Defendants deny the allegations contained within this paragraph.

386. Federal Defendants admit the allegations contained within the first sentence of this paragraph. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within the second sentence of this paragraph. Federal Defendants deny the allegations contained within the third sentence of this paragraph. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within the fourth sentence of this paragraph.

387. Plaintiffs' allegations within this paragraph are based on the CDC Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities, which speaks for itself.

388. Federal Defendants deny the allegations contained within this paragraph.

389. Federal Defendants deny the allegations contained within this paragraph.

390. Plaintiffs' allegations within this paragraph are based on the CDC Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities, which speaks for itself.

391. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations that ICA Defendants' staff were not consistently assigned to work in the

same housing units or areas. The remaining allegations regarding the increased risk of transmission between housing units constitute argument, to which no response is required.

392. Federal Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations within this paragraph.

393. Plaintiffs' allegations within this paragraph are based on the CDC Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities, which speaks for itself.

394. Federal Defendants deny the allegations contained within this paragraph.

395. Federal Defendants deny the allegations contained within this paragraph.

396. Plaintiffs' allegations within this paragraph are based on the CDC Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities, which speaks for itself.

397. The allegations within the first sentence of this paragraph are based on the CDC Inspection Report of FDC, which speaks for itself. Federal Defendants deny the remaining allegations contained within this paragraph.

CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION

398. Federal Defendants restate their responses to the allegations set forth in paragraphs 1-397 of Plaintiffs' Amended Complaint.

399. The allegations within this paragraph constitute a characterization of the instant action, to which no response is required.

400. The allegations within this paragraph constitute conclusions of law, to which no response is required.

401. The allegations within this paragraph constitute argument and constitute conclusions of law, to which no response is required.

402. The allegations within this paragraph constitute argument and constitute conclusions of law, to which no response is required.

403. The allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

404. The allegations within this paragraph constitute argument, to which no response is required. To the extent that a response is required, this paragraph is denied.

405. The allegations within the first sentence of this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, the allegations within the first sentence of this paragraph are denied. Federal Defendants admit that on June 2, 2020, 74 detainees were transferred from detention facilities in Arizona and Florida to FDC. The remaining allegations within the second sentence of this paragraph constitute argument, to which no response is required. Defendants admit that detainees were not tested or quarantined immediately before their arrival and that 51 of them subsequently tested positive for COVID-19 but deny the remaining allegations within the third sentence of this paragraph.

406. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

407. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

408. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

409. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

410. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

411. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

412. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

SECOND CAUSE OF ACTION

413. Federal Defendants restate their responses to the allegations set forth in paragraphs 1-412 of Plaintiffs' Amended Complaint.

414. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute a characterization of the instant action, to which no response is required.

415. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute conclusions of law, to which no response is required.

416. Federal Defendants admit that ICE contracted with the Town of Farmville for the operation of FDC. There remaining allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

417. The allegations within this paragraph constitute conclusions of law, to which no response is required.

418. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

419. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

420. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

421. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

422. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument, to which no response is required.

423. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

424. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument, to which no response is required.

425. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

426. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

427. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

428. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

429. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

430. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

431. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

THIRD CAUSE OF ACTION

432. Federal Defendants restate their responses to the allegations set forth in paragraphs 1-431 of Plaintiffs' Amended Complaint.

433. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute a characterization of the instant action, to which no response is required.

434. The allegations within this paragraph constitute conclusions of law, to which no response is required.

435. Federal Defendants admit that ICE contracted with the Town of Farmville for the operation of FDC. There remaining allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

436. The allegations within this paragraph constitute conclusions of law, to which no response is required.

437. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

438. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

439. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

440. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

441. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

442. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

443. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

444. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

445. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument, to which no response is required.

446. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

447. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

448. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

449. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

450. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

FOURTH CAUSE OF ACTION

451. Federal Defendants restate their responses to the allegations set forth in paragraphs 1-450 of Plaintiffs' Amended Complaint.

452. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute a characterization of the instant action, to which no response is required.

453. The allegations within this paragraph constitute conclusions of law, to which no response is required.

454. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

455. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

456. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

457. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

458. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

459. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

460. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

461. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

462. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument, to which no response is required.

463. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

464. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

FIFTH CAUSE OF ACTION

465. Federal Defendants restate their responses to the allegations set forth in paragraphs 1-464 of Plaintiffs' Amended Complaint.

466. The allegations within this paragraph constitute conclusions of law, to which no response is required.

467. The allegations within this paragraph constitute conclusions of law, to which no response is required.

468. The allegations within this paragraph constitute conclusions of law, to which no response is required.

469. The allegations within this paragraph constitute conclusions of law, to which no response is required. To the extent that a response is required, Federal Defendants admit the allegations contained within this paragraph.

470. The allegations in this paragraph constitute conclusions of law, to which no response is required. To the extent that a response is required, Federal Defendants deny that the PBNDS set forth a set of mandatory requirements with respect to medical care and food service, instead they set forth standards for detention centers that include a range of compliance, from minimal to optimal.

471. The allegations within this paragraph constitute conclusions of law, to which no response is required. To the extent that a response is required, Federal Defendants admit the allegations contained within this paragraph.

472. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

473. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

474. Plaintiffs' allegations within the first sentence of this paragraph are based on the PBNDS, which speaks for itself. The remaining allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, the remaining allegations within this paragraph are denied.

475. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

476. The allegations within this paragraph constitute argument and conclusions of law, to which no response is required. To the extent that a response is required, this paragraph is denied.

SIXTH CAUSE OF ACTION

477. Federal Defendants restate their responses to the allegations set forth in paragraphs 1-476 of Plaintiffs' Amended Complaint.

478. The allegations within this paragraph constitute conclusions of law, to which no response is required.

479. The allegations within this paragraph constitute conclusions of law, to which no response is required.

480. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

481. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

482. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

483. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

484. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

485. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

486. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

487. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

488. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

489. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

SEVENTH CAUSE OF ACTION

490. Federal Defendants restate their responses to the allegations set forth in paragraphs 1-489 of Plaintiffs' Amended Complaint.

491. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

492. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

493. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

494. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

495. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

496. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

497. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

498. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

499. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

500. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

501. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

EIGHTH CAUSE OF ACTION

502. Federal Defendants restate their responses to the allegations set forth in paragraphs 1-501 of Plaintiffs' Amended Complaint.

503. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

504. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

505. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

506. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

507. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

508. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

509. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

510. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

511. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

512. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

513. The allegations within this paragraph are directed at parties other than Federal Defendants and constitute argument and conclusions of law, to which no response is required.

PRAYER FOR RELIEF

The remainder of Plaintiffs' Amended Complaint represents a Prayer for Relief, to which no response is required. To the extent that the Prayer for Relief is deemed to allege facts to which a response is required, Federal Defendants deny the allegations and deny that Plaintiffs are entitled to any relief by this Court as to Federal Defendants.

Dated: January 29, 2021

Respectfully submitted,

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/s/

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CERTIFICATE OF SERVICE

I do hereby certify that on this 29th day of January, 2021, I have electronically filed the foregoing using the CM/ECF system.

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